

REMARKS

By this Amendment, claim 14 is cancelled, and claims 1, 6, 19 and 20 are amended. Entry of the amendments will leave claims 1, 3-13 and 15-20 pending in the application. Favorable consideration is respectfully requested in light of the following remarks.

Rejection Under 35 U.S.C. § 102

Claims 1, 3, 4, 19 and 20 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,843,027 to Stone et al. ("Stone").

Claim 1 has been amended to include the features of cancelled claim 14. As claim 14 is not included in this ground of rejection, the rejection is moot.

Rejections Under 35 U.S.C. § 103

A. Claim 14 was rejected under 35 U.S.C. § 103(a) over Stone in view of U.S. Patent No. 6,086,942 to Carden, Jr. et al. ("Carden"). The rejection is respectfully traversed.

Applicants will address this rejection with reference to claim 1, which includes the features of cancelled claim 14. Claim 1 recites a multi-layer hose comprising an opaque, extrudable first layer; at least one opaque, extrudable second layer connected to the first layer; and more than one marking section, each marking section comprising more than one letter and/or more than one number, the marking sections being provided in longitudinally spaced relationship with one another in a recurring mode of arrangement, the marking sections being arranged between the

first layer and the at least one second layer and adapted to be read making use of X rays (emphasis added).

The claimed multi-layer hose comprises more than one marking section arranged between the first and second opaque layers. Each marking section comprises more than one letter and/or more than one number. The letters and/or numbers can be read using X rays. Figure 1 depicts an exemplary embodiment of a marking section comprising a plurality of numbers.

The combination of Stone and Carden does not suggest a multi-layer hose comprising every feature of claim 1. As shown in Figure 1 of Stone, balloon sheath 40 is located along the tubular body 12 between the manifold 18 and balloon 24. Stone discloses that the balloon sheath 40 can include "marker bands" located between the two layers 42, 44 of the sheath (column 5, lines 43-50). Stone does not suggest that the "marker bands" each include more than one letter and/or more than one number.

Claim 1 also recites that the marking sections are provided in a longitudinally spaced relationship with one another in a recurring mode of arrangement. The claimed arrangement of the marking sections, which comprise more than one letter and/or more than one number, allows tracing back after the hose has been separated into several subsections. See page 4, lines 19-21, of the specification.

The Office admits that Stone fails to suggest having the marker bands in a longitudinally spaced relationship with one another in a recurring mode of arrangement. In contrast, Stone discloses that the marker bands can be located at the proximal and/or distal regions of the sheath to enable visualization of the axial position of the sheath relative to other structures.

Carden provides no suggestion or motivation to modify Stone's balloon sheath to produce a multi-layer hose having every feature recited in claim 1. In the section of suture shown in Figure 11 of Carden, radioactive material is applied in the form of bands. Carden does not disclose or suggest "marking sections" that comprise more than one letter and/or more than one number. Thus, Carden provides no suggestion or motivation to modify Stone to include marking sections comprising more than one letter and/or more than one number.

Stone locates the marker bands at one end, or at both ends, of the sheath to indicate the position of the end(s). Stone does not suggest that it would be desirable to have marker bands arranged longitudinally along the sheath.

Carden arranges radioactive material in a specific way along the suture. In the embodiment shown in Figure 11 of Carden, radiopaque markers can be formed between the radioactive material (Carden at column 21, lines 20-28). The Office has not identified any express disclosure in Carden regarding the specific function and purpose of the radiopaque markers in Carden's devices, much less any disclosure that provides the required motivation or suggestion to modify Stone's device to produce the claimed multi-layer hose.

For at least these reasons, the combination of Stone and Carden does not suggest a multi-layer hose comprising every feature recited in claim 1, including, *inter alia*, "marking sections being provided in longitudinally spaced relationship with one another in a recurring mode of arrangement," where each marking section comprises more than one letter and/or more than one number. Thus, the combination of Stone and Carden does not support the rejection of claim 1. Therefore, withdrawal of this rejection is respectfully requested.

B. Claim 5 stands rejected under 35 U.S.C. § 103(a) over Stone in view of U.S. Patent No. 5,576,072 to Hostettler et al. ("Hostettler"). The rejection is respectfully traversed.

Claim 5 depends from claim 1. Hostettler was cited in the rejection with respect to the compound recited in claim 5. The applied references do not suggest modifying Stone's sheath to cure Stone's above-described deficiencies regarding claim 1. Thus, claim 5 is patentable. Therefore, withdrawal of the rejection of claim 5 is respectfully requested.

C. Claim 6 stands rejected under 35 U.S.C. § 103(a) over Stone in view of U.S. Patent No. 6,508,784 to Shu ("Shu"). The rejection is respectfully traversed.

Claim 6 depends from claim 1. Shu was cited in the rejection with respect to the compound recited in claim 6. The applied references do not suggest modifying Stone's sheath to cure Stone's above-described deficiencies regarding claim 1. Thus, claim 6 is patentable. Therefore, withdrawal of the rejection of claim 6 is respectfully requested.

D. Claims 7 and 9 stand rejected under U.S.C. § 103(a) over Stone in view of Shu and Carden, and further in view of U.S. Patent No. 6,471,758 to Kelderman et al. ("Kelderman"). The rejection is respectfully traversed.

Claims 7 and 9 depend ultimately from claim 1. Shu, Carden and Kelderman were cited in the rejection with respect to the compound recited in claims 7 and 9. The applied references do not suggest modifying Stone's sheath to cure Stone's

above-described deficiencies regarding claim 1. Thus, claims 7 and 9 are patentable. Therefore, withdrawal of the rejection of claims 7 and 9 is respectfully requested.

E. Claim 8 stands rejected under U.S.C. § 103(a) over Stone in view of Shu and Carden, and further in view of U.S. Patent No. 6,375,634 to Carroll ("Carroll"). The rejection is respectfully traversed.

Claim 8 depends ultimately from claim 1. Shu, Carden and Carroll were cited with respect to the compound recited in claim 8. The applied references do not suggest modifying Stone's sheath to cure Stone's above-described deficiencies regarding claim 1. Thus, claim 8 is patentable. Therefore, withdrawal of the rejection of claim 8 is respectfully requested.

F. Claim 10 was rejected under 35 U.S.C. § 103(a) over Stone in view of Shu and Carden, and further in view of U.S. Patent No. 6,054,505 to Gundlach et al. ("Gundlach"). The rejection is respectfully traversed.

Claim 10 depends ultimately from claim 1. Shu, Carden and Gundlach were cited with respect to the ink composition recited in claim 10. The applied references do not suggest modifying Stone's sheath to cure Stone's above-described deficiencies regarding claim 1. Thus, claim 10 is patentable. Therefore, withdrawal of the rejection of claim 10 is respectfully requested.

G. Claims 11-13 stand rejected under 35 U.S.C. § 103(a) over Stone in view of Shu, further in view of Carden. The rejection is respectfully traversed.

Claims 11-13 depend ultimately from claim 1. Shu and Carden were cited with respect to the subject matter recited in claims 11-13. The applied references do not suggest modifying Stone to cure Stone's above-described deficiencies regarding claim 1. Thus, claim 11-13 are patentable. Therefore, withdrawal of the rejection of claims 11-13 is respectfully requested.


Conclusion

For the foregoing reasons, allowance of the application is respectfully requested. If there are any questions concerning this response, Applicant's undersigned representative can be reached at the number below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By: 
Edward A. Brown
Registration No. 35,033

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620